

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ALBERT THOMAS,

Petitioner,

v.

Civil Action No. **3:14CV12**

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

Albert Thomas, a former Virginia inmate proceeding *pro se*, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1) challenging the Virginia Department of Corrections’ (“VDOC”) calculation of his release date. On December 18, 2014, the Magistrate Judge issued a Report and Recommendation that recommended dismissing the action as moot, denying Respondent’s Motion to Dismiss as moot, and denying Thomas’s Motion to Grant Habeas Corpus as moot. The Court advised Thomas that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Thomas has not responded.

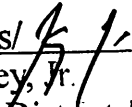
“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this

Court may adopt a magistrate judge's recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation will be ACCEPTED and ADOPTED. Respondent's Motion to Dismiss (ECF No. 11) will be DENIED AS MOOT. Thomas's Motion to Grant Habeas Corpus (ECF No. 15) will be DENIED AS MOOT. Thomas's claims and the action will be DISMISSED.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: 2/2/15
Richmond, Virginia

<p>/s/  John A. Gibney, Jr. United States District Judge</p>
